

### **REMARKS**

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of February 18, 2009. Claims 1 and 17 are currently amended. Claims 2, 3, 4, 6, 9-13, 16 and 18-20 are canceled. New claims 27-31 have been added. Claims 1, 5, 7, 8, 14, 15, 17 and 21-31 remain in the application.

Reconsideration of the Application is requested.

Paragraph [020] of the Specification was amended to refer to the wireless subscription feature as the "message delivery feature" rather than the "call delivery feature". This feature was referred to as a "message delivery feature" numerous times throughout the Specification, and thus no new matter has been added.

Paragraph [024] has also been amended to refer to the feature as a "message delivery feature" to it was referred to later in the same paragraph, thus adding no new matter.

### **The Office Action**

The Examiner rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2005/0018833 A1 to Wang in view of U.S. Patent No. 6,738,467 to Infosino.

Wang teaches a method of multi-user call waiting that enables a calling party to leave a message to a called party if the called party's line is busy. Wang teaches in paragraph [010] that the calling party can choose whether or not to leave a message for the called party by choosing options presented to the calling party by a call destination computer. However, this is simply a well known manner of providing a calling party with call control options during the call. The calling party has not subscribed to a message delivery feature. In a similar manner, Infosino teaches a system and method of call message delivery that prompts the calling party as to whether or not they want to leave a message for the called party who is engaged in another call. The system in Infosino gives the calling party the choice by prompting the calling party during the call. The calling party has not subscribed to a message delivery feature.

The method of claim 1 is a message delivery feature to which the calling party

can subscribe to, such as other wireless calling features. If the calling party has not previously subscribed to the feature, then conventional call waiting occurs. For this reason, claim 1 patentably distinguishes over Wang in view of Insosino.

Claim 28, depending from claim 1, claims the checking the calling party's subscriber profile for a stored indicated indicating that the calling party has enabled the message delivery feature. Neither reference, either alone or in combination, teaches this. Wang merely teaches determining if the called party subscribes to call waiting, a well known step for call waiting systems and not applicable to the claimed invention.

The Examiner also rejected claim 17 under 35 U.S.C. §103(a) as being unpatentable over Wang in view of Infosino. Applicant submits amended claim 17 is patentable over Wang in view of Infosino for reasons that are similar to those stated above with regard to claim 1.

**CONCLUSION**

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1, 5, 7, 8, 14, 15, 17 and 21-31) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

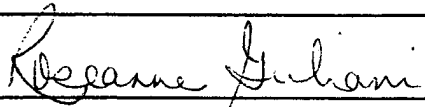
In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Patrick D. Floyd, at 216.363.9000.

Respectfully submitted,

Fay Sharpe LLP

May 18, 2009  
Date

  
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